

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HUNTAIR, INC.)	
)	
)	
Plaintiff,)	Case No. 07 C 6890
)	
vs.)	Hon. Judge David H. Coar
)	
CLIMATECRAFT, INC.)	Magistrate Judge Morton Denlow
)	
Defendant.)	

**AGREED MOTION OF PLAINTIFF HUNTAIR, INC.
FOR EXTENSION OF TIME AND LEAVE TO FILE AN OVERSIZE
RESPONSE BRIEF ON CLAIM CONSTRUCTION**

Plaintiff Huntair, Inc. ("Huntair"), by its attorneys, respectfully requests this Court grant Huntair a one (1) day extension of time, up to and including Monday, July 21, 2008, to file its response brief on claim construction, and further requests this Court grant Huntair leave to file an oversize response brief of up to twenty-five (25) pages. In support of its motion, Huntair states the following:

1. ClimateCraft filed a 29-page opening claim construction brief – nearly double the 15-page limit set forth by Local Rule 7.1.
2. Given that ClimateCraft's brief is 29 pages, with an attached 28-page purported expert declaration, Huntair cannot respond completely to ClimateCraft's assertions without filing an overlong brief of its own.
3. Judicial economy is served by allowing Huntair to respond completely to ClimateCraft's assertions which involve technical aspects of the fan wall technology. Huntair's responsive brief will be as concise as possible in view of the issues presented. At up to 25 pages,

Huntair's responsive brief will be at least four pages less than ClimateCraft's overlong opening brief.

4. Huntair believes that a full explanation of the bases for its positions will best serve the Court in evaluating the issues. ClimateCraft's opening brief addresses issues that have no bearing on claim construction, such as indefiniteness, enablement and patent validity. Although Huntair takes issue with ClimateCraft's inclusion of these topics in its brief on claim construction, Huntair nevertheless requires an opportunity to respond completely to each of the issues in ClimateCraft's overlong brief.

5. Huntair's response brief in support of claim construction issues is currently due Friday, July 18, 2008. Additional time is necessary to respond to all of the issues raised in ClimateCraft's brief.

6. Counsel for Huntair, Richard T. McCaulley Jr., has been ill this week. Also this week, former counsel for Huntair, Carrie W. Cotter, left the firm Sidley Austin LLP and filed a Motion to Withdraw as Counsel on July 11, 2008.

7. On July 15, 2008, Mr. McCaulley, on behalf of Huntair, spoke with Charles C. Kinne, attorney for ClimateCraft, to advise him that Huntair intended to seek an extension of time to file its response brief in support of claim construction up to and including July 21, 2008, and that Huntair would be seeking leave to file a response brief of up to twenty-five (25) pages. Mr. Kinne informed Mr. McCaulley that ClimateCraft has no objection to the extension of time or to the extension of the page limit.

WHEREFORE, for the foregoing reasons, Huntair respectfully requests that this Court enter an order granting it leave to file an oversize response brief on claim construction of up to twenty-five (25) pages and that the deadline for filing be extended until July 21, 2008.

Dated: July 15, 2008

Respectfully submitted,

/s/ Richard T. McCaulley Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of July, 2008, I caused a copy of the foregoing document, AGREED MOTION OF PLAINTIFF HUNTAIR, INC. FOR EXTENSION OF TIME AND LEAVE TO FILE AN OVERSIZE RESPONSE BRIEF ON CLAIM CONSTRUCTION, to be served by ECF upon:

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/s/ Richard T. McCaulley Jr.
Attorney for Plaintiff